

# EXHIBIT 16

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,

Plaintiff,

v.

No. 3:19-CV-8157

MENZIES AVIATION, INC.,  
doing business as MENZIES  
and DOES 1 through 10,  
inclusive,

Defendants.

Zoom Remote Deposition of

RAUL VARGAS

Tuesday, August 25, 2020

**CERTIFIED COPY**

REPORTED BY: CINDY TUGAW, CSR #4805

NOGARA REPORTING SERVICE  
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1 BE IT REMEMBERED that, pursuant to Notice of  
2 Taking Deposition and on Tuesday, the 25th day of  
3 August, 2020, commencing at the hour of 9:03 o'clock  
4 a.m. thereof, via Zoom videoconference, before me,  
5 CINDY TUGAW, a Certified Shorthand Reporter in the  
6 State of California, personally appeared,  
7  
8 RAUL VARGAS,  
9  
10 called as a witness by the Plaintiff, having been by me  
11 first duly sworn, was examined and testified as  
12 hereinafter set forth.

13 ---o0o---

14 APPEARANCES OF COUNSEL

15 For the Plaintiff  
16 LIBERATION LAW GROUP, P.C.  
17 2760 Mission Street  
18 San Francisco, California 94110  
19 BY: ARLO GARCIA URIARTE, Attorney at Law  
20 (415) 695-1000

21 For the Defendants  
22 FOLEY & LARDNER, LLP  
23 555 California Street, Suite 1700  
24 San Francisco, California 94104  
25 BY: JASON Y. WU, Attorney at Law  
(415) 984-9848

Also Present: David Ho, Zoom Host.

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1 THE REPORTER: Good morning. At this time, I will  
2 ask counsel to stipulate on the record that there is no  
3 objection to this deposition officer administering a  
4 binding oath to the witness via Zoom, starting with the  
5 noticing attorney.

6 MR. URIARTE: No objection.

7 MR. WU: And no objections on behalf of Menzies  
8 Aviation.

9 (Whereupon, the Witness was duly sworn by the  
10 Reporter.)

11 EXAMINATION BY MR. URIARTE

12 MR. URIARTE: Good morning, Mr. Vargas.

13 A. Good morning.

14 Q. Could you please state and spell your name for  
15 the record.

16 A. Yes, so my name is Raul Vargas, R-a-u-l, last  
17 name V, as in Victor, a-r-g-a-s.

18 Q. Okay. And if I ask you what your formal name  
19 is, like, for example, what's on your passport or  
20 something like that, what would you say?

21 A. Raul Herman Vargas Aroca.

22 Q. And so, Herman, Herman is H-e-r-m-a-n, is that  
23 what it is? Herman, did you hear me?

24 A. Yes, it's H-e-r-m-a-n.

25 Q. And then I missed your mother's maiden name.

1 around in the workplace?

2 A. I don't recall that.

3 Q. Would you say that it was going around for a  
4 month already and then his termination happened?

5 A. I don't recall it.

6 Q. Can you give me your best estimate, like a  
7 week, or do you have a time frame in your head at all?

8 A. I don't have a time frame in my head right  
9 now.

10 Q. So you don't remember kind of like whether it  
11 was days or weeks?

12 A. I don't remember when this was brought to my  
13 attention.

14 Q. And "this" being the petition, correct?

15 A. In relation to the petition.

16 Q. I think, Mr. Vargas, we need you to speak up a  
17 little bit or maybe get closer to the microphone.

18 A. Yes.

19 Q. Thank you. So what about this: Do you  
20 remember who brought the petition to your attention?

21 A. Tracy Aguilera.

22 Q. So it was HR who actually let you know that,  
23 hey, there's this petition going around?

24 A. HR.

25 Q. Aside from Tracy, did anybody else talk to you

1 about the petition?

2 A. Nobody else talked to me. She was the first  
3 person who talked to me about the petition.

4 Q. Okay. And then when you say she's the first  
5 person, was she also the only person that talked to you  
6 about the petition?

7 A. No.

8 Q. Did anybody else talk to you about the  
9 petition before Mr. Navarro's termination?

10 A. Yes.

11 Q. Who else?

12 A. Our operation manager for fuel.

13 Q. Who was that?

14 A. I don't recall his last name. Renil.

15 Q. Renil?

16 A. Renil.

17 Q. R-e-n-i-l?

18 A. That is, yes.

19 Q. I believe he's not with the company anymore,  
20 correct?

21 A. He's not.

22 Q. Do you know where he is right now?

23 A. I do not know.

24 Q. All right. Aside from Renil, did anybody else  
25 talk to you about the petition?

1 A. Nobody else.

2 Q. Okay. What did Renil tell you about the  
3 petition?

4 A. That there was a petition going around to  
5 terminate Andrew.

6 Q. To terminate Andrew. Anything else?

7 A. Nothing else that I can recall.

8 Q. Okay. Did you actually read the petition?

9 A. I read the petition, yes, I did.

10 Q. And you read the petition before the  
11 termination?

12 A. Yes, I did.

13 Q. And when you read it, that's what it said, to  
14 terminate Andrew?

15 A. I don't recall exactly what it says, but it  
16 was about Andrew's performance, and it was about  
17 removing Andrew from the position.

18 Q. And then, aside from saying that to you,  
19 anything else Renil told you about the petition?

20 A. Nothing else -- nothing else that I can  
21 recall.

22 Q. Okay. What about Tracy, what did she talk to  
23 you about the petition?

24 A. Well, Tracy told me about everything that she  
25 was getting information from. The first conversation I

1 had with her, it was about somebody from the union  
2 contacting her to let her know that somebody was  
3 requesting to sign a petition to the employees.

4 Q. Anything else?

5 A. Yes. She mentioned that -- that employees  
6 were -- were not agreeing on signing it.

7 Q. Okay. Anything else?

8 A. Nothing else that I can recall.

9 Q. And then, with regards to the content of the  
10 petition, after you read it, did you make any decision  
11 related to the contents of the petition?

12 A. Yes, I talked to Tracy to -- to have the  
13 investigation.

14 Q. What type of investigation?

15 A. An investigation about the petition and about  
16 the -- how the petition was made.

17 Q. How the petition was --

18 A. Performed.

19 Q. Was performed?

20 A. Yes.

21 Q. So you mean, when you say "how the petition  
22 was performed," you mean how the petition was put  
23 together, correct?

24 A. Yes.

25 Q. Anything else that you asked Tracy to do in



1 relation to the petition?

2 A. Nothing else at that time.

3 Q. Okay. And so you said to do an investigation  
4 about the petition. What does that mean? What did you  
5 actually tell Tracy to do?

6 A. To perform an investigation about how --  
7 because we received some calls from the union, and also  
8 received some information about Andrew, that he  
9 received a message from Navarro. So at that time it  
10 was important for me to understand how that petition  
11 was created. How they did it.

12 Q. All right. And then you said also about how  
13 the petition was put together. So why was it important  
14 for you to know how or who put together the petition?

15 A. Because of the feedback that I received from  
16 Tracy, from HR.

17 Q. And what's that information that you received  
18 from HR?

19 A. As I said before, she told me that somebody  
20 from the union contact her telling her that there was a  
21 person asking for sign a petition, who was forcing the  
22 employees to do it.

23 Q. And did you ever find out who actually put  
24 together the petition?

25 A. Yes, we did.

1 Q. And who was it?

2 A. Mr. Navarro.

3 Q. I'm sorry?

4 A. Mr. Navarro.

5 Q. And how did you reach -- how was that  
6 conclusion reached? Like how did you guys reach the  
7 conclusion that Mr. Navarro wrote the petition?

8 A. There was an investigation done, performed by  
9 the safety department.

10 Q. So the safety department person actually said  
11 Mr. Navarro wrote the petition, is that your  
12 understanding?

13 A. Yes. And also because of the messages that  
14 Andrew received from Mr. Navarro.

15 Q. Right. But that message said, "I'm holding on  
16 to the petition. I haven't submitted it." It doesn't  
17 say, "I wrote the petition that I'm going to give." Do  
18 you know what I'm saying? It says, "I'm holding on to  
19 the petition and I haven't submitted it."

20 So I don't know how that text message kind of  
21 leads to the conclusion that he wrote it. Can you  
22 explain it to me?

23 MR. WU: Objection. Assumes facts not in  
24 evidence.

25 You can answer if you understand the question.

1 MR. URIARTE: Q. Mr. Vargas?

2 A. Well, I think that when you receive a message  
3 from -- I don't know where -- somebody in relation to a  
4 petition, that is an alert.

5 Q. Is what?

6 A. Is an alert.

7 Q. Okay. But I guess my question is how does  
8 that text message lead you to conclude that Mr. Navarro  
9 wrote the petition?

10 A. That was not the one that drove me to  
11 understand that Mr. Navarro did the petition.

12 Q. What did make you understand that Mr. Navarro  
13 wrote it?

14 A. Well, because the investigation from the  
15 safety department.

16 Q. Okay. So the investigation from the safety  
17 department actually has a report?

18 A. They have statements from employees.

19 Q. Statements from employees. Okay. Anything  
20 else?

21 A. They had a statement from employees and their  
22 final outcome out of the investigation.

23 Q. Are you talking about the final outcome as  
24 they wrote it in the email?

25 A. Yes.



1 this petition.

2 A. Well, and if I can go back --

3 Q. Yes.

4 A. -- I never asked to investigate on who wrote  
5 the petition.

6 Q. So for you that wasn't important?

7 A. No.

8 Q. So when you finally concluded that termination  
9 was the proper discipline, that wasn't part of the --  
10 for you, that's not the important part, right?

11 A. About who wrote the petition, no, no, not at  
12 all.

13 Q. For you it was, hey, you've got this guy  
14 forcing employees to sign the petition. That's what it  
15 was, right?

16 A. Yes.

17 Q. I got it. Okay. So that leads to the  
18 question of when -- so let's say August 29 is  
19 eventually the time that he gets terminated. Do you  
20 remember about when you concluded in your head, hey, I  
21 need to terminate Mr. Navarro? Do you remember when?

22 A. The specific date, no, but it should be around  
23 that time.

24 Q. Like within days of it or within a week or --

25 A. I cannot tell. I don't -- I don't recall it.

1 A. I don't recall the date.

2 Q. Okay. So, but before concluding that Navarro  
3 actually forced employees to sign the petition, I kind  
4 of want to make sure that I get all of the steps that  
5 you took to be satisfied that your conclusion was  
6 correct. All right?

7 A. Yes.

8 Q. So I saw the investigation statement. I saw  
9 the letters from the employees. That's understandable.  
10 But other than that -- and then you talked to Tracy as  
11 well, right? You had email communication with Tracy.  
12 Other than those steps, did you do any other steps?

13 A. No. Well, actually I was waiting for the  
14 final outcome from the investigation. And it was not  
15 just the feedback that I received from the safety  
16 department. Also the conversations I had with Tracy in  
17 relation to this case.

18 Q. Okay. But did you ever ask the safety  
19 department, hey, did you guys talk to the fuelers?

20 A. Yes, I did.

21 Q. And what did they say?

22 A. They told me that they -- he was -- so the  
23 safety department told me that Mr. Navarro was forcing  
24 employees to sign the petition, and he was creating --  
25 he was harassing people to have this petition signed.

1 Q. Okay. So forcing employees to sign the  
2 petition. What's wrong with that?

3 A. Well, I think that when you have -- you take  
4 advantage of your rank, that is harassment because of  
5 how the other people feel.

6 Q. Anything else that's wrong with that?

7 A. Yes. So when they use this rank, people feel  
8 scared of having this confrontation with the  
9 supervisor, so they prefer to sign the petition without  
10 understanding what the petition was for.

11 Q. So are you saying that the safety department  
12 talked to everybody that signed that petition and  
13 verified whether they actually signed it or not?

14 A. I cannot guarantee that they talked to hundred  
15 percent of the employees.

16 Q. Okay. But do you know how many people they  
17 talked to?

18 A. I don't know exactly how many people they  
19 talked to.

20 Q. And then you used the word "harassment." How  
21 are you using that word "harassment"? What do you mean  
22 by that?

23 A. Well, for me, harassment is pretty much --  
24 it's to force or intimidate people. So, in this case,  
25 when he's taking his rank as a supervisor, telling



1 people to sign a petition that they don't know what  
2 it's for, that for me is intimidation. And that's how  
3 they -- the employees felt.

4 Q. How many employees are we talking about --

5 A. Well --

6 Q. -- that felt like that?

7 A. I'm sorry?

8 Q. How many employees felt like that?

9 A. I cannot tell you exactly the number of, but I  
10 can tell you in terms of the -- the statements we  
11 received. There were around three employees.

12 Q. And then there were over 20 people who signed  
13 the petition, right?

14 A. Yeah.

15 Q. So out of the more than 20 people who signed  
16 the petition, three people felt like, oh, maybe I  
17 didn't read it and then I signed it and maybe I --

18 MR. WU: Objection. Objection. Lack of  
19 foundation. Calls for speculation. Misstates prior  
20 testimony.

21 MR. URIARTE: Q. So, Mr. Vargas, when your  
22 attorney objects, we allow him to finish his objection  
23 so that it's written into the record. Please allow him  
24 to finish, and then you can answer afterwards unless  
25 your attorney tells you not to answer. Okay?

1           A. So, for me, if we have people that feel that  
2 way, it's really important to ensure that we have the  
3 right environment for our employees. Harassment is a  
4 really important matter in our environment in a  
5 business.

6           Q. I got that. I got that. So you've got three  
7 people complaining about the way that the harassment --

8           A. We have -- remember -- sorry, can I --

9           Q. Please, please.

10          Q. So, remember, we had those three guys, but  
11 also we had some feedback from the union saying that  
12 this person was harassing people to sign the petition.

13          Q. Okay. But what about the subject matter of  
14 the petition itself? Weren't they doing the same thing  
15 as well? You said it's very important for you that  
16 people work in a proper environment, right?

17          A. Yes.

18          Q. But the nature of the petition itself kind of  
19 complains about the environment, right?

20          A. Yes.

21          Q. Okay. So isn't that also a valid concern?

22          A. It is. Definitely it is.

23          Q. Okay. And what was done about that?

24          A. Well, I think that it's important from the  
25 extent of the document, where the document is coming

1 Tracy and Renil? Does that make sense?

2 A. I cannot confirm a hundred percent that this  
3 was the one.

4 Q. Okay. So if we go down a little bit, yeah,  
5 you'll see Mr. Navarro's signature on this one.

6 A. Yes.

7 Q. And this document actually comes from your  
8 company, if you see the Menzies number there, Menzies  
9 153. And so line 24 there on the second page -- I'm  
10 sorry, line 16 of the second page has Mr. Navarro's  
11 signature. Do you see that?

12 A. Yes.

13 Q. All right. So, again, going back to your  
14 conclusion earlier, you're saying, if you think that  
15 Mr. Navarro was forcing all of these people to sign the  
16 petition, you believe the petition is now without  
17 validity, is that correct?

18 A. Well, I don't think that it has the same  
19 validity, definitely. Now, what is most important to  
20 bring out is that I had a conversation with HR about  
21 Andrew, because they were -- in the letter I believe  
22 they complained also about him falling asleep on the  
23 operation.

24 So I had this conversation with HR. And they  
25 explained to me and they addressed that issue before I

1 started working at Menzies. Because, again, I started  
2 June 2018. And this was happening -- this happened in  
3 August.

4 Q. Yes. Right. So you started in June of 2018,  
5 and this was happening in August. So you didn't have  
6 that much kind of context with regard to what was  
7 happening from the last year, is that correct?

8 A. (Indicates affirmatively.)

9 Q. Mr. Vargas?

10 A. Yes.

11 MR. WU: Arlo, I'm sorry to interrupt. Can we  
12 take a quick break in the next five minutes? Whatever  
13 is a good stopping point for now.

14 MR. URIARTE: That's fine. We can take a break  
15 now. No problem.

16 MR. WU: Thanks a lot, Arlo. Let's go off the  
17 record.

18 MR. URIARTE: No problem.

19 (Brief recess.)

20 MR. URIARTE: Q. So we were talking about Exhibit  
21 8, Mr. Vargas. My question is with regards to the  
22 actual things that the fuelers were complaining about.  
23 And I just want to clarify something.

24 Was there ever an investigation by Menzies  
25 with regard to the context or the content of their



1 petition, the subject matter of their petition?

2 A. Well, there was an investigation before in  
3 terms of what they were complaining about, that this  
4 was happening at the company. And that was the  
5 conversation that I had with Tracy, with HR, in  
6 relation to this petition, what they were saying.

7 Q. And what was the result of that investigation?

8 A. Well, that Andrew pretty much falls asleep  
9 because he has sleep onea [sic].

10 Q. You're talking about sleep apnea?

11 A. Yes.

12 Q. Anything else?

13 A. And -- no, nothing else.

14 Q. What about the complaint that rest breaks or  
15 breaks were being -- were being missed or not taken?

16 A. I don't recall about that.

17 Q. What about like delays that were being caused  
18 by Andrew, was that ever investigated?

19 A. No, no, not brought to my attention.

20 Q. So when you read this petition, I guess the  
21 focus became Mr. Navarro asking people to sign the  
22 petition. That was your focus, right?

23 A. Yeah. The environment that he create by doing  
24 that.

25 Q. Okay. And you didn't really put focus on the



1 environment that Mr. Dodge was creating as alleged by  
2 this petition?

3 A. Well, I did when I asked HR about that  
4 petition, about those things that happened before I got  
5 there, and that was what I received from HR.

6 Q. So what I heard you say, they already --

7 A. That they already took action on it.

8 Q. And that's with regard to the sleep apnea?

9 A. That is regard of everything.

10 Q. Okay. So you're saying you did ask Tracy  
11 about what the fuelers were talking about in the  
12 petition, correct?

13 A. (Indicates affirmatively.)

14 Q. Okay. And that involved what was happening to  
15 Andrew Dodge before, and something about sleep apnea  
16 and sleeping and him falling asleep, correct?

17 A. Yes.

18 Q. Anything else, aside from that, that came as a  
19 result of your inquiry with regards to the petition?

20 A. Also that, for me, nothing else for me to take  
21 action for.

22 MR. WU: And, Raul, if you could just give a brief  
23 pause between the end of Arlo's question and the  
24 beginning of your answer. I think sometimes, when  
25 there's a bit of overlap, is when we're getting that

1 feedback and it's becoming a little unclear.

2 THE WITNESS: Okay.

3 MR. URIARTE: Q. Did you ever have a discussion  
4 with Mr. Navarro, before this whole petition started,  
5 did you ever have a discussion with Mr. Navarro about  
6 Andrew Dodge?

7 A. Not that I recall.

8 Q. So you don't remember him going up to you and  
9 trying to talk to you about concerns about Andrew  
10 Dodge?

11 A. No, I don't recall that.

12 Q. Aside from the petition and maybe Mr. Navarro,  
13 did you ever get complaints against -- or about Andrew  
14 Dodge in those -- June, July, August, the time you were  
15 there?

16 A. No, I did not.

17 Q. And so you were not involved in the promotion  
18 of Mr. Dodge, correct?

19 A. No, I was not.

20 Q. And before being at Menzies at the San  
21 Francisco Airport, where were you working?

22 A. I was working for TAS.

23 Q. What does that mean?

24 A. TAS, Total Airport Services. I worked there  
25 as a general manager in San Francisco.

1 like, June to August of 2018. What were your duties  
2 and responsibilities?

3 A. Pretty much whatever -- as US director of  
4 operation, I'm looking for different -- different  
5 elements. So I have four different elements. The  
6 first one is financial. I look for all the financials  
7 of the station, all the four business lines that we  
8 have there at that moment, which it was the fueling  
9 business, the ramp business, the cargo business and the  
10 GSC business. GSC is ground service equipment. So we  
11 provide service to all the equipment that pretty much  
12 you see on the runway.

13 So I look also in terms of customer service,  
14 all the retention or attraction of new customers,  
15 interactions. I also look into the safety, ensuring  
16 that we run a smooth operation in a safe basis, putting  
17 all the safety processes in place to reduce every kind  
18 of risk out there on the ramp or in the different  
19 departments.

20 And I also look into the people. What I mean  
21 by the people, well, I make sure that environments, the  
22 retention, the attraction of new employees, and how can  
23 we retain employees in the long-term.

24 Q. Okay. Thank you for that. Being that you  
25 were new to the San Francisco Airport operation, before

1 pulling the trigger and actually recommending the  
2 termination of Mr. Navarro, did you talk to anyone with  
3 regards to that decision?

4 A. Yes. I talked to HR.

5 Q. Who else?

6 A. I talked to HR and nobody else about that  
7 decision.

8 Q. So you didn't talk to Renil and say, "Renil, I  
9 know you've been here a while. What do you think about  
10 this?"

11 A. I don't recall it, talking to Renil.

12 Q. How much did you know about Mr. Navarro at the  
13 time that you terminated him?

14 A. I didn't know that much about Mr. Navarro.

15 Q. Okay. Did you know that he had been working  
16 for Menzies a long time at that point?

17 A. Yes, I did.

18 Q. And then what were you trying to accomplish by  
19 choosing to terminate Mr. Navarro?

20 A. Well, I think that, as I said before, my job  
21 there is to ensure that we can retain employees. And  
22 the only way to retain employees is to ensure an  
23 environment where they work is a good environment. So  
24 when you have one person, just one person, complaining  
25 about supervisor harassment, then you need to take



1 actions.

2 Q. So your belief is that it was all Mr. Navarro  
3 complaining, it was just him?

4 A. I think that, based on the statements we  
5 received, they were focused on that -- on him.

6 Q. Okay. But what about all those other people  
7 that signed the petition?

8 A. Well, as I said before, we need to ensure that  
9 environment is good. So, for me, just one person  
10 complaining about harassment, it's an issue.

11 Q. Okay.

12 A. More than one, then you have a petition signed  
13 by people. So we have a person, and more than one  
14 person being harassed to sign a petition, that is a  
15 huge issue for me.

16 MR. URIARTE: Okay. All right. Can we take a  
17 look at Exhibit 8 again, please.

18 David, are you there?

19 ZOOM HOST: Yes, coming up shortly.

20 MR. URIARTE: Thank you.

21 ZOOM HOST: Give me one second. It's not coming  
22 up.

23 MR. URIARTE: No problem. Thank you, David.

24 Q. Let's go to the top part of Exhibit 8, please.  
25 So it says, "To: Menzies Management. Sir/madam."